

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

Number: 5.02.00
Subject: RULES OF CONDUCT
Effective: MAY 23, 2008
Review: MAY 2009, 2010, 2011, 2012, 2013

1. PURPOSE. This order establishes minimum standards of personal and professional conduct with sufficient clarity and specificity so that every member will understand what is expected. Certain rules of conduct concern behavior off-duty; and these are limited to the extent that official status, police authority or a job nexus exists. The standards set forth in this order are not exclusive, and members are expected to meet or exceed the reasonable standards of the law enforcement profession, to uphold the public trust and to act in a manner which is a credit to the department and the law enforcement profession.

2. REQUIREMENT. All members of the department shall become familiar with the rules of conduct. Compliance with these rules of conduct is required of all members of the department, and failure to conform to the rules of conduct may result in disciplinary action.

3. GENERAL CONDUCT. No member of this department shall act or behave in such a manner as to dishonor or disgrace him/herself in any way that can be associated with the department or profession.

4. PERFORMANCE OF BASIC DUTIES. Members will perform their basic duties and take appropriate action to preserve the public safety, prevent crime, detect and arrest law violators, protect life and property and enforce the laws. Performance standards include the following:

A. Maintenance of Work Competency. All members shall maintain competency to properly perform their duties. Members are expected to know and enforce local, state and federal laws, as their duties dictate.

B. Performance of Basic Duties in a Competent Manner. Members shall perform their assigned duties in a competent manner. A member may be found to be incompetent if demonstrated that the member: (a) lacks knowledge of the laws to be enforced; (b) lacks knowledge or exhibits an unwillingness to perform assigned tasks; (c) fails to conform to work standards; (d) fails to take appropriate action in response to a crime, incident or disorder; (e) has a written record of repeated infractions of policies, procedures, or department orders; or (f) has repeated work evaluations which indicate substandard performance.

- C. Reasonable Performance Standard. A level of reasonable performance (judged by factors including operational need, previous experience or the current performance of other members engaging in similar duties) shall be considered the basis for minimum performance expectations.
- D. Evaluations. All members will be evaluated on a regular basis. Work performance plans and special evaluations may be developed to assist members to return to a level of acceptable performance. Recruit officers shall be evaluated as outlined in the Field Training Manual.

5. **CONTACT WITH THE PUBLIC.** All members shall be courteous and civil toward the public. Members shall be patient, tactful, temperate, discrete, and shall be attentive and zealous in the discharge of their duties. Members shall avoid argumentative discussions and shall not use violent, profane language or gestures, unless allowed by General Order or directive.

- A. Identification as a Police Officer. Except when impractical, unfeasible, where safety dictates otherwise, when the assignment requires otherwise or where the identity is obvious, members shall identify themselves by displaying the badge or identification card before taking police action.
- B. Identification-On Duty. On duty members shall carry their badges, identification cards and a valid driver's license with them at all times, except when doing so endangers personal safety or an investigation. Members shall furnish their name and Department of Public Safety Standards and Training (D.P.S.S.T.) number to any person requesting such information, while on duty or acting in an official capacity, except when the withholding of such information is necessary for the performance of duty or is authorized by proper authority.
- C. Citizen Requests For Assistance. When any person requests assistance or advice, or makes a complaint or report (either by telephone or in person), pertinent information shall be obtained in a courteous manner and shall be properly acted upon pursuant to established departmental procedures.
- D. Off-Duty Exercise of Authority in Disputes. Off-duty members shall not exercise their official authority in disputes to which they are a party except in cases where there is an immediate danger to themselves or others. When off-duty, members are not to become involved in family or neighborhood disputes in their official capacity.

6. **DISSEMINATION OF INFORMATION.** Department business shall be treated as confidential. Information gathered in the performance of duty shall be disseminated only to those for whom it is intended, in accordance with established department orders. Members may obtain official records or report from a law enforcement agency in accordance with established departmental procedures or practice, however, such information will be treated as the confidential information of the agency, which provided it and shall not be disclosed by this department.

Members shall not divulge the identity of anyone providing information except as authorized by the proper authority.

7. **PUBLIC STATEMENTS.** Members shall not publicly criticize or ridicule the department, its policies/orders/procedures, or other members by speech, writing, or other expression, which undermines the effectiveness of the department, interferes with the maintenance of discipline, or which is made with reckless disregard for truth or falsity. This section shall not be construed as prohibiting justified and good faith report of wrongdoing or impropriety to proper authority.

- A. Members are entitled to speak publicly on matters of public concern. However, before doing so, a member shall inform the Police Chief or his/her designee of the issue of concern and the remedy or corrective action, if any, which the member believes is appropriate. In appropriate cases when the Police Chief identifies a means or proposal for resolution, the Police Chief may require the member to delay public statements for a time, which is reasonable under the circumstances to enable the private resolution of the matter.
- B. This regulation does not prohibit speech, and does not enable the city to censor speech. The regulation channels problems and issues through the Police Chief and permits responsive administrative action.

8. **PUBLIC APPEARANCES.** Members shall not make statements on behalf of the department for publication or broadcast concerning the plans, policies, or administration of the department unless authorized to do so. When personnel are authorized to engage in community relations activities, which require public statements, they act as representatives of the department and are expected to act in the interest of the department. Public statement concerning department policy must accurately represent that policy. Any statement about the department or its function that reflects a member's personal opinion should be clearly presented as such.

9. **PROHIBITED COMMENTS.**

- A. Members shall refrain from sarcasm, wisecracks, vulgarity, or sharp retorts when dealing with the public. Members will not make disparaging or derogatory remarks nor will they voice prejudices concerning race, gender, color, age, ethnic, religious background, political beliefs, sexual orientation, disability or other personal characteristics at any time.
- B. No member shall convey to any other department member(s), in any manner, any remark, joke, comment or message that is inappropriate or unprofessional in nature. The manner of communication may include, but is not limited to verbal, written, pictorial, and gesture.

10. **DISCRIMINATION.** Members shall not allow any enforcement action or decision to be based upon prejudices of race, gender, color, age, ethnic origin, religion, political beliefs, sexual orientation or personal characteristics.

11. **CITIZEN COMPLAINTS.** Whenever possible, citizen complaints shall be referred to an on-duty sergeant. When an on-duty sergeant is not available or to do so appears impractical, members shall promptly record in writing any complaint made by a citizen against any member of the department and forward it up the chain of command. Members shall not attempt to dissuade any citizen from lodging a complaint against any member or the department. Members shall follow the established departmental procedures for processing complaints.

12. **USE OF TOBACCO IN PUBLIC.** Members of the department shall not smoke, or chew tobacco while in contact with the public or in prohibited areas.

A. Tobacco in City Vehicles. All marked and unmarked patrol units that are utilized by other members of this department shall be non-smoking, non-chewing vehicles.

B. Smoking in City Buildings. Smoking is not permitted in the police department and city hall buildings. It is the responsibility of those who use tobacco products to utilize designated smoking areas outside the city hall buildings and properly dispose of their refuse.

13. **INTRA-DEPARTMENTAL COOPERATION.** Cooperation between the ranks and divisions of the department is essential to effective law enforcement. Members shall establish and maintain a high degree of cooperation within the department.

14. **CHAIN OF COMMAND.** Members shall conduct internal business utilizing the chain of command as indicated on the organizational chart, unless good cause exists to deviate from the chain of command. The chain of command shall not be disregarded in conducting official business except where authorized by the Chief of Police or department order.

A. Senior Officer in Charge. When two (2) or more members of equal rank are simultaneously assigned to the same operation, the senior member shall be in charge, unless otherwise ordered or until command is relinquished.

15. **DUTY TO OBEY ORDERS.** Department members shall obey any order given by a superior officer or officer in charge.

A. Manner of Issuing Orders. Every directive from superior to subordinate shall be issued in plain language. Orders will be civil in tone, and given in pursuit of department business.

B. Compliance With Orders/Insubordination. Members shall obey any lawful order of a superior, including orders relayed from a supervisor by a member of the department. Refusal demonstrated by failure of any member to obey a lawful order or directive or other intentional non-compliance constitutes insubordination, unless the member can establish that (1) the situation was not a tactical emergency, and (2) ordinary and

prudent knowledge would indicate that the order would be detrimental to the city, police department, or the physical well-being of the member or citizens.

- C. Prompt Response to Orders. All members are expected to obey lawful orders from ranking personnel as promptly and as completely as possible.
- D. Conflict of Orders. Should any lawful order given by a superior conflict with any previous order or published directive; the member shall respectfully bring this conflict to the attention of the superior. The superior who issued the conflicting order shall take into account the subordinate's point of view and make a decision concerning what is to occur. The supervisor shall correct the conflict if possible and appropriate and shall assume responsibility for the subordinate's subsequent action. The subordinate shall follow the last order received unless it is clearly contrary to law. A mistake or misunderstanding shall not relieve the subordinate of responsibility for insubordination if the subordinate is wrong in the decision not to comply.
- E. Unlawful Orders. No supervisor shall issue any order that is in violation of any law or departmental order.
- F. Obedience to Improper Orders. Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member is required to obey any order that the member reasonably and correctly believes is contrary to federal, state or local law.
- G. Reports and Appeals to Unlawful, Unjust, or Improper Orders. The subordinate shall explain the reason for unlawfulness to the superior and request clarification from proper authority before proceeding. A member receiving an unlawful, unjust, or improper order, shall, at first opportunity, report it in writing to the Chief of Police through the chain of command. The report shall contain the facts of the incident and the action taken.
- H. When Duty Not Understood. Members who do not understand their duty in a particular situation shall consult their Supervisor or refer to department directives.

16. **CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND OTHER MEMBERS.** Members shall behave in a courteous and civil manner and treat all superiors, subordinates, officers, peers, and other members with respect. Members shall avoid profane language and insulting or contemptuous behavior.

- A. Threat or Violence to a Fellow Member. No member of this department shall on any pretense threaten, strike, or attempt to strike any other member of the department or draw or lift any weapon or offer any violence whatsoever against a fellow member.
- B. Personality Conflicts. Any member of the department with an unresolved conflict involving another member is expected to consult with a supervisor and take appropriate and prompt action to resolve it.

- C. Acknowledging Rank. When meeting on duty, members shall conform to normal courtesy standards and refer to supervisors by rank.

17. **POLITICAL ACTIVITY ON DUTY.** Involvement in any political activity is prohibited during a member's on-duty time. Political activities include soliciting or receiving any assessment, subscription or contribution for any political party or cause or storing, posting, carrying, or distributing political literature of any nature.

18. **EMPLOYEE CONDUCT.** Members of the department set and maintain high standards of conduct in our appearance, attitude and speech. Misconduct by members shall not be tolerated. The following sections describe the types of behavior that constitutes misconduct and will not be tolerated:

- A. Unbecoming Conduct. Members shall conduct themselves so that their actions reflect favorably on the department. Unbecoming conduct is conduct which brings the department into disrepute in the community, the law enforcement profession, or discredits the member or the department by association with the member, or conduct which impairs the operation or efficiency of the department or member.
- B. Immoral Conduct. Members shall maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession, and is consistent with department policy and orders. Members shall not participate in any incident involving depravity or which impairs their ability to perform as a law enforcement officer, or which embarrasses the department.
- C. Exhibiting Bias. No member shall exhibit bias or prejudices based on race, gender, color, ethnic or religious background, political beliefs, sexual orientation, disability or other personal characteristics at any time.
- D. Truthfulness. Members shall remain truthful in their official written and verbal communications concerning their duties and assignment. It is recognized that members may based upon the nature of their duties be untruthful with complainants, suspects, witnesses and informants regarding their intentions, actions etc., in order to further their investigations. When appropriate, members should document these instances of "acceptable" untruthfulness in reports. Members shall not make false accusations.

19. **CONFORMANCE TO LAWS.** Members shall obey all laws of the United States and of any state and local jurisdiction in which they are present.

20. **COOPERATION WITH LAW ENFORCEMENT & PUBLIC AGENCIES.** When on-duty, members shall cooperate with all law enforcement agencies, other governmental agencies, and public service agencies. When on-duty, members shall provide such assistance and information as authorized by the department. Questions concerning how much or what type of information or

cooperation to provide shall be directed to a supervisor. Members shall conduct themselves in a professional manner; and when off-duty, are encouraged to cooperate with all law enforcement and governmental agencies.

21. **INTERVENTION IN POLICE ACTIVITIES OF ANOTHER OFFICER.** Members shall assist and support but not interfere with cases being handled by other members of the department or by another governmental agency unless: ordered to intervene by a supervisor; or the intervening member reasonably believes that harm would result from the failure to take immediate action. Investigations or other official action that is not part of their regular duties should be undertaken with permission from a supervisor unless the exigencies of the situation require immediate action.

22. **LEAVING DUTY POST.** Members shall not leave their assigned duty posts during a tour of duty without authorization.

23. **MEALS.** Members shall not abuse opportunities conferred for rest and meal periods.

24. **ATTENTION TO DUTY.** While on-duty, members shall remain attentive to their assigned responsibilities.

A. Personal Activities On-Duty. Members shall not engage in any personal activities or conduct personal business on-duty that would cause them to be inattentive, or malingering or shirk their duties. While on-duty, members are forbidden to enter establishments where alcohol, gambling and/or adult entertainment are their primary business except in furtherance of duty.

B. Sleeping On Duty. Members shall remain awake while on-duty. If unable to do so, they shall so report to a supervisor who shall determine the proper course of action.

25. **COURT APPEARANCES.** Attendance at a court or quasi-judicial hearing as required by subpoena or departmental order is an official duty assignment. Any member who is subpoenaed to testify in court or a quasi-judicial hearing regarding cases growing out of official duties shall appear at the time and date indicated. Permission to disregard a subpoena must be obtained from the issuing authority handling the case or a court official. Failure to appear constitutes neglect of duty.

26. **PROMPT RESPONSE TO CALLS.** Members shall respond in a prompt and safe manner appropriate to the circumstances when dispatched or ordered to respond to any situation or call for service. When the assignment has been completed, members shall make themselves available for further service. Postponing response, failing to respond, or malingering on the call constitutes neglect of duty.

27. **REQUIRED TO FACE DANGER.** Shirking from danger or responsibilities shall be considered serious neglect of duty.

28. **TAKING ACTION DURING EMERGENCIES.** Off-duty members shall respond to emergencies or perform necessary police service in the city whenever public safety urgently

requires such service. When a minor misdemeanor comes to the attention of an off-duty member, the member shall attempt to avoid involvement and shall contact the appropriate law enforcement agency for necessary response if the incident so justifies. Carrying firearm and identification while off-duty is optional.

29. **DEPARTMENTAL REPORTS.** Members shall submit all reports prior to the end of shift unless otherwise approved and in accordance with established procedures. All reports shall be truthful and complete. No member shall knowingly enter or cause to be entered any inaccurate, false information. All reports and copies remain the property of the city and shall not be removed except with authorization of a supervisor, unless a copy is released under the Public Records Law.

30. **PROCESSING PROPERTY AND EVIDENCE.** Property or evidence that has been discovered, gathered or received in connection with business shall be processed in accordance with department procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action.

31. **OFFICIAL RECORDINGS.** Any recorded information (photograph, audio, digital, video, including the raw record and/or negative) taken at the scene of any crime, disaster, accident or any other event, or for identification purposes, by any on-duty member of the department, shall not be transferred outside of department channels unless authorized by the Chief of Police or his/her designee. Department members making recordings in the line of duty using their own equipment and storage devices shall be reimbursed for expenses incurred. These records are property of the department.

32. **USE OF DEPARTMENT EQUIPMENT.** Members shall utilize department equipment only for its intended, job-related purpose, and in accordance with training and established procedures. Members shall not intentionally or negligently abuse, damage or lose department equipment. All department equipment issued to members shall be maintained in good condition.

33. **OPERATING VEHICLES.** Members shall operate department vehicles in a careful and prudent manner, obeying all laws and all departmental directives pertaining to such operation. Loss or suspension of driver's privileges shall be reported immediately to employee's supervisor. The ability to lawfully operate a vehicle on a public highway is a job requirement.

34. **COMMUNICATIONS EQUIPMENT.** Members shall not alter or tamper with any radio, mobile data terminal, computer, cellular phone or other communications equipment without prior authorization from the Chief of Police or his/her designee.

35. **REPORTING DAMAGE TO CITY OWNED EQUIPMENT.** Members are responsible for written reports to their supervisor regarding damage to any city equipment. Reports must include the nature of the damage, the cause of the damage, and the disposition of the damaged equipment. When equipment becomes inoperative or unsafe to use, due to mechanical failure, or through normal wear, these conditions will also be reported to a supervisor in writing.

36. **INJURIES SUSTAINED BY MEMBERS.** Members of the department shall notify their supervisors of any injury, no matter how minor, that was received while on-duty. Initial reports may be verbal; however, a written report must be followed as soon as possible. The report shall include the nature of the injury, how the injury was sustained, and the disposition of the injured member. In the event that the injury is serious, and the facts cannot be immediately reported, the supervisor on-duty shall initiate an investigation and submit a written report of their findings to the Chief of Police.

37. **USE OF POSITION FOR PERSONAL GAIN.** No department member shall use their position for personal gain for themselves or others.

- A. Gifts, Gratuities, Privileges. Members shall not directly or indirectly solicit or accept any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of value (tangible or intangible) in connection with their official position when it may reasonably be inferred that the person, business, or organization seeks to: influence action of an official nature; to affect the performance or nonperformance of an official duty; or has an interest which may substantially affected directly or indirectly by the performance or nonperformance of an official duty. Members shall not use their official position, identification cards, or badges for personal or financial gain.
- B. Disposition Of Unauthorized Gifts, Gratuities. To protect members, any prohibited gift, gratuity, loan or fee, or other item, coming into the possession of any member shall be forwarded to the Chief of Police together with a full written explanation of the surrounding circumstances.
- C. Rewards. Members shall not accept or solicit any fee, gratuity or compensation for performing official duties, except compensation paid by the city. Subpoena witness fees relating to testimony given on-duty shall be turned over to the city.
- D. Abuse Of Position, Personal Gain, Testimonials, Advertisements. Members shall not use their official position, official identification cards or badges for personal or financial gain; obtaining privileges not otherwise available to them except in the performance of duty; or for avoiding consequences of illegal acts. Further, members shall not authorize the use of their names, photographs or official titles that identify them as members of the department in connection with testimonials or advertisement of any commodity or commercial enterprise, without prior approval of the Chief of Police.
- E. Endorsements And Referrals. Members shall not recommend or suggest in any manner, except in transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, or a mortician). All members while fulfilling their official capacities shall proceed in accordance with established departmental procedures when utilizing these services.

38. **DEPARTMENT STATIONERY.** Department stationery and letterhead shall be used only for official purposes. Use of the city mail system shall be for official department business only.

39. **CRIMINAL CONDUCT.** Members shall obey all laws of the United States, the State of Oregon, and of counties and municipalities. Violations of any law shall subject members to prosecution and shall be cause for internal disciplinary action up to and including termination of employment. Internal discipline shall not be dependent upon the outcome of prosecution.

40. **ASSOCIATION WITH KNOWN OFFENDERS.** Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties.

Employees shall notify the Chief of Police if the employee becomes involved in a continuous association as described above. The Chief of Police may grant exceptions to the rule after considering the nature of the relationship, the type of criminal activity, and the purpose of this rule. Unauthorized relationships with known offenders on or off-duty may, but will not necessarily, subject employees to disciplinary action, including possible discharge. Each case will be considered based on the specific facts, circumstances, and the consequences or potential consequences of the relationship.

41. **LOITERING.** Members shall not permit the public to remain unescorted in the department quarters or vehicles unless the person's presence is requisite to the conduct of official business.

42. **VICE CONDITIONS.** Members shall report complaints or information that they acquire concerning organized crime, racketeering or vice. Members shall complete a written report of such activity, and direct the report to the criminal investigation supervisor. Criminal investigations of organized crime and vice shall be considered highly confidential, and the investigative reports and files shall be kept in a manner consistent with intelligence file procedures and maintained in the same manner.

43. **GAMBLING.** Members shall not engage or participate in any form of illegal gambling at any time, except during the performance of a specific duty and while acting under lawful orders from a supervisor.

44. **VISITING PROHIBITED ESTABLISHMENTS.** Members shall not knowingly visit, enter or frequent a house of prostitution, illegal gambling house, or establishment wherein the applicable laws of the United States or the state or the local jurisdiction are violated except during the performance of a specific duty or while acting under lawful orders from a supervisor.

45. **TRANSACTIONS PROHIBITED.** Members of the department are prohibited from buying or selling or trading anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of departmental employment, except as may be specifically authorized by the Chief of Police.

46. DUTY TO REPORT MISCONDUCT. Members shall report any violation of department orders, neglect of duty, or illegal conduct by any member of the department to a supervisor or superior officer. Failure to report such conduct shall be considered neglect of duty, and constitutes grounds for disciplinary action.

47. DUTY TO COOPERATE IN MISCONDUCT INVESTIGATIONS. All members shall cooperate with all investigations and administrative inquiries, to the extent required by law and collective bargaining agreements.

- A. Truthfulness. Members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department, which may be asked of them.
- B. Use Of Medical Examinations, Photographs & Lineups. To the extent required by law and/or a collective bargaining agreement, the Chief or the Chief's designee may order a member to submit to ballistics, or to medical examinations, or to photograph, or lineup, or financial disclosure statements, and to surrender clothing, equipment and other physical evidence. Any procedure carried out under this subsection shall be specifically directed and narrowly related to a particular investigation being conducted by the department to establish or rule out allegations or anticipated allegations.

Chief of Police

Date